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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,345	01/11/2006	Daniel Mark Hutchinson	PU/030202	9067
7590	09/29/2008			
Joseph S Tripoli Thomson Licensing Inc Patent Operations PO Box 5312 Princeton, NJ 08543-5312			EXAMINER LEE, MICHAEL	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 09/29/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/564,345	<b>Applicant(s)</b> HUTCHINSON ET AL.
	<b>Examiner</b> M. Lee	<b>Art Unit</b> 2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 January 2006.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-16 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seo (6,353,463) in view of Kunishima (7,158,192).

Regarding claim 1, Seo discloses a digital/analog television receiver showing a tuning means (20), a first AGC means (14B), a second AGC means (14A), and a switching means (27). But Seo does not disclose the third AGC means as claimed. Seo's dual mode receiver is meant for receiving either all digital channels or all analog channels. It would get distorted if it receives intermixed analog and digital channels. Such problem is well recognized by Kunishima. In column 2, lines 44-49, Kunishima indicates that when receiving digital television signals in a state where analog television signals of great field strength are present on a nearby channel, distortion to the digital channel is incurred. In order to solve this problem, Kunishima teaches a wide band detecting means (9) for generating an automatic gain control voltage to a high frequency gain amplifier (see Figures 1-4). By using the wide band detecting means in the AGC loop, the co-channel interference phenomenon is effectively avoided (note col. 4, lines 57-65). Hence, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to include the wide band AGC means of

Kunishima into Seo so that the receiver of Seo could operate properly even during the intermixed analog/digital reception mode. In order to accommodate the extra AGC means, the switching portion 27 and controller 28 would also have to be modified. This can be done simply by adding an extra input terminal to switching portion 27 and adding a predetermined condition to the controller.

Regarding claim 2, see analog IF processor 12B and analog AGC controller 14B.

Regarding claim 3, see digital IF processor 12A and digital AGC controller 14A.

Regarding claim 4, note the wide band detecting means in Kunishima.

Regarding claim 5, note the controller 28 in Seo as modified above.

Regarding claim 6, the first and second AGC signals are narrow band signals.

Regarding claims 7-16, see the corresponding rejections as set forth above.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ogasawara (6,512,554) shows two AGC means.

Kuo et al. (5,339,454) shows a wide band detecting means.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number 571-272-7349. The examiner can normally be reached on Monday through Thursday from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran, can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/M. Lee/  
Primary Examiner  
Art Unit 2622